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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,647	01/17/2001	Naoto Kinjo	Q62079	3441
7590	06/04/2004		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			LONG, HEATHER R	
			ART UNIT	PAPER NUMBER
			2615	Lf

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/760,647	KINJO, NAOTO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Heather R Long	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 January 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 January 2001 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Fig. 1, reference sign "26a". A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The disclosure is objected to because of the following informalities:

- Page 15, line 23: change "unit 12" to –unit 22--.
- Page 17, line 14: change "processsing" to –processing--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Steinberg et al. (U.S. Patent 6,006,039).

Regarding claim 1, Steinberg et al. discloses in Fig. 2 an image processing method comprising the steps of: receiving at least one of photographed image data, temporary camera control information, additional information and indication information of a desired processing content from a camera (10) (40); and reasoning out or creating at least one information of information relating to photographing control, information relating to a photographed image, in accordance with the at least one of the photographed image data, the temporary camera control information, the additional information and the indication information which have been received (col. 4, line 66 – col. 6, line 5).

Regarding claim 2, Steinberg et al. discloses in Figs. 2 and 3 an image processing method wherein the information relating to the photographed image is information related to a subject or a photographing condition (col. 6, line 26 – col. 7, line 4).

Regarding claim 3, Steinberg et al. discloses in Fig. 2 an image processing method wherein the at least one information reasoned out or created is supplied to the camera (10) (58) (col. 5, lines 29-59).

Regarding claim 4, Steinberg et al. discloses in Fig. 2 an image processing method wherein the step of receiving the at least one of the photographed image data, the temporary camera control information, the

additional information and the indication information from the camera (10) and the step of supplying the at least one information to the camera (10) are performed by wired or radio communications (58) (col. 5, lines 32-35).

Regarding claim 5, Steinberg et al. discloses an image processing method wherein the information relating to the photographed image is principal subject information reasoned out or created in accordance with the photographed image data, wherein the information relating to the photographing control is at least one of camera control information set in accordance with the principal subject information and camera position information reasoned out and created in accordance with the photographed image data and the photographing place information as the additional information, and wherein at least one of the principal subject information, the camera control information, and the camera position information is supplied to the camera (10) (col. 5, lines 41-59; col. 6, line 6 – col. 7, line 4).

Regarding claim 6, Steinberg et al. discloses in Figs. 2 and 3 an image processing method wherein the additional information is at least one of information relating to deterioration or marginal illumination of the camera (10), information relating to poor focus of the camera (10), information relating to gradation control of density or color of an image, information relating to sharpness enhancement processing or smoothing processing of an image, information relating to designation of an applicable area of these image processing, and wherein the information relating to the image processing is

reasoned out or created in accordance with the additional information received from the camera (10) (col. 6, lines 6-25).

Regarding claim 7, Steinberg et al. discloses in Figs. 2 and 3 an image processing method wherein the additional information is at least one of information related to an image to be composited in an output image and information related to a character to be composited in the output image, wherein at least one of information related to a composite image and information related to a composite character is reasoned out or created in accordance with the additional information received from the camera (10), and wherein at least one of the information related to the composite image and the information related to the composite character which have been reasoned out or created is supplied to the camera (10) (col. 6, line 63 – col. 7, line 4).

Regarding claim 8, an image processing apparatus (14) comprising: a receiving/supplying unit (36) which receives at least one of photographed image data, temporary camera control information, additional information and indication information of a desired processing content from a camera (10) having an image sensor and capable of obtaining the photographed image data; and an information processing unit (14) which reasons out or creates at least one information of information relating to photographing control, information relating to image processing and information relating to a photographed image in accordance with the at least one of the photographed image data, the temporary

camera control information, the additional information and the indication information (col. 4, line 66 – col. 6, line 5).

Regarding claim 9, Steinberg et al. discloses an image processing apparatus (14) wherein the information processing unit (14) supplies at least one information reasoned out or created to the camera (10) by the receiving/supplying unit (36) in accordance with processing to be performed (col. 5, lines 41-59).

Regarding claim 10, Steinberg et al. discloses in Fig. 1 an image processing apparatus (14) wherein the receiving/supplying unit (36) is an information communication unit.

Regarding claim 11, Steinberg et al. discloses an image processing apparatus (14) wherein the information relating to the photographed image is principal subject information reasoned out or created in accordance with the photographed image data, wherein the information relating to the photographing control is at least one of camera control information set in accordance with the principal subject information and camera position information reasoned out or created in accordance the photographed image data and photographed place information as the additional information, and wherein the information processing unit (14) supplies at least one of the principal subject information, the camera control information and the camera position information which have been reasoned out or created to the camera (10) by the receiving/supplying unit (col. 5, lines 41-59; col. 6, line 6 – col. 7, line 4).

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Regarding claim 12, Steinberg et al. discloses in Figs. 2 and 3 an image processing apparatus (14) wherein the additional information is at least one of information relating to deterioration of marginal illumination of the camera (10), information relating to poor focus of the camera (10), information relating to gradation control of density or color of an image, information relating to sharpness enhancement processing or smoothing processing of the image, information relating to geometrical adjustment of the image and information relating to designation of an applicable area of these image processing, and wherein the information processing unit (14) reasons out or creates the information relating to the image processing in accordance with the additional information which has been received (col. 6, lines 6-25).

Regarding claim 13, Steinberg et al. discloses in Figs. 2 and 3 the image processing apparatus (14) wherein the information processing unit (14) reasons out or creates at least one of information related to a composite image and information related to a composite character in accordance with the additional information which has been received and supplies at least one of the information related to the composite image and the information related to the composite character which have been reasoned out or created to the camera (10) (col. 6, line 63 – col. 7, line 4).

Regarding claim 14, a camera (10) comprising: an image sensor for obtaining photographed image data; an input unit (26) for inputting at least one of additional information and indication information of a desired processing content;

and an information sending/receiving unit (20) for sending at least one of the photographed image data which has been obtained, temporary camera control information which has temporarily been set, the additional information which has been inputted and the indication information which has been inputted to an image processing apparatus (14), as well as, receives at least one information of information relating to photographing control, information relating to image processing and information relating to photographed image which has been reasoned out or created by the image processing apparatus (14) in accordance with the at least one of the photographed image data, the temporary camera control information, the additional information and the indication information, from the image processing apparatus (14) (col. 3, lines 45-49; col. 4, line 66 – col. 6, line 5).

Regarding claim 15, a photographing system comprising: a camera (10); and an image processing apparatus (14); wherein the camera (10) comprises: an image sensor for obtaining photographed image data; an input unit (26) for inputting at least one of additional information and indication information of a desired processing content; and an information sending/receiving unit (20) for sending at least one of the photographed image data which has been temporarily been set, the additional information which has been inputted to the image processing apparatus (14), as well as, receives at least one information of information relating to photographing control, information relating to image processing and information relating to a photographed image which has been

reasoned out or created by the image processing apparatus (14) in accordance with the at least one of the photographed image data, the temporary camera control information, the additional information and the indication information, from the image processing apparatus (14) ; and wherein the image processing apparatus (14) comprises: a receiving/supplying unit (36) which receives the at least one of the photographed image data, the temporary camera control information, the additional information and the indication information from the camera (10); and an information processing unit (14) which reasons out or creates the at least one information of the information relating to the photographing control, the information relating to the image processing and the information relating to the photographed image in accordance with the at least one of the photographed image data, the temporary camera control information, the additional information and the indication information (col. 3, lines 45-49; col. 4, line 66 – col. 6, line 5).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-0681. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HRL  
May 11, 2004



NGOC-YEN VU  
PRIMARY EXAMINER